

ESTTA Tracking number: **ESTTA463376**

Filing date: **03/23/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	77945451
Applicant	Mirabella Beauty Products, LLC
Applied for Mark	MIRABELLA
Correspondence Address	MICHAEL E HALL VENABLE LLP PO BOX 34385 WASHINGTON, DC 20043 UNITED STATES
Submission	Motion to Resume Appeal
Attachments	Motion to Resume Appeal.pdf ( 2 pages )(12812 bytes )
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Date	03/23/2012

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<i>In re Mirabella Beauty Products, LLC</i>	)	Mark: <b>MIRABELLA</b>
	)	Application Serial No. 77/945,451
	)	Examining Attorney: James W. Ringle, Esq.
	)	Law Office 111
	)	
	)	
	)	
Attorney's Reference: 121186-309019	)	

On March 1, 2012, Applicant filed a notice of appeal pursuant to Trademark Rule 2.141(a), which provides that “[a] second refusal on the same grounds may be considered as final by the applicant for purpose of appeal.” In the present case, the Examining Attorney issued an Office Action on February 23, 2012 repeating the outstanding surname refusal, which was in fact the Examining Attorney’s *fourth* Office Action repeating the refusal.

On March 20, 2012, Ms. Tina Craven instituted the appeal but remanded the application to the Examining Attorney because Applicant's response of February 1, 2012 "requires consideration by the Trademark Examining Attorney." However, as noted above, the Examining Attorney has already acted on Applicant's response by issuing a fourth Office Action on February 23, 2012. Accordingly, Applicant respectfully requests that the Board re-assume jurisdiction over this application and issue an order to Applicant giving it 60 days to file its appeal brief.

Respectfully submitted,

Date: March 23, 2012

/Michael E. Hall/

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